

United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TERRY L. FINN

CRIMINAL COMPLAINT

CASE NUMBER: 07-M-2162

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between on or about a day in December, 2006 or January, 2007 in the Western District of New York defendant did, (Track Statutory Language of Offense)

knowingly employing, using, persuading, inducing or enticing a minor to engage in the producing child pornography,


in violation of Title 18 United States Code, Sections 2251(a)

I further state that I am a Special Agent with the Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: (☒) Yes () No

FILED
U.S. DISTRICT COURT
W. D. of N.Y.
7/26/07
AT _____
BY _____
TITLE _____


PETER J. LANGRISH, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

July 26, 2007
Date

at Buffalo, New York
City and State

HONORABLE HUGH B. SCOTT
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Peter J. Langrish, having been first duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (hereinafter, "FBI") assigned to the Jamestown, New York, Resident Agency. The Jamestown Resident Agency is part of the Buffalo Division of the FBI. As a part of my official duties, I am responsible for investigating allegations of violations of the laws of the United States, including statutes which prohibit the sexual abuse of children in interstate commerce and the production, distribution and possession of child pornography.

2. I submit this affidavit in support of a Criminal Complaint charging Terry L. Finn (DOB 06/02/63 and SSN ***-**-0129), formerly residing at 5772 Ellicott RD, Lot number 7, Brocton New York, 14716 with violation a of Title 18, United States Code, Section 2251(a) (Production of Child Pornography).

3. The statements contained in this affidavit are based upon my investigation in this case, the investigation of other FBI Special Agents, specifically, Brent S. Isaacson, the investigation and information from other law enforcement officials, including members of the Chautauqua County Sheriff's Office (hereinafter "CCSO"), and members of the Chautauqua County Child Protective

Service (hereinafter "CCPS"), and upon my training and experience as a Special Agent (hereinafter "SA") of the FBI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation.

4. On January 31, 2007, SA Peter J. Langrish of the FBI Jamestown Resident Agency received information from the Chautauqua County Child protective service that a 16 year old female had traveled from Saxton River, Vermont to Brocton, New York to live with a 43 year old male Terry L. Finn, residing at 5772 Ellicott Road, lot 7, Brocton New York. The 16 year old female was currently at the Women and Children's Hospital in Buffalo, New York at the time. The hospital staff learned from her that she had sexual intercourse with Finn.

5. On February 2, 2007, SA Langrish met with CCPS case workers at the Buffalo Women and Children's Hospital and interviewed the 16 year old female. The 16 year old female stated that she first met Terry Finn while on an online website. Initially they talked online and according to her, quickly fell in love. By approximately September 10, 2006, they began to talk on the phone.

6. Both Finn and the 16 year old female were up-front about their respective ages. In November 2006, Finn sent the 16 year old female \$50.00, so she could take a bus from Vermont to Western New York. The 16 year old female made it to Albany, New York before her parents and police found her and returned her to Vermont.

7. In late December 2006 and January 2007, at Finn's request, the 16 year old female sent lewd images of herself, including genital pictures, to Finn using the Internet. Finn acknowledged to the 16 year old female both online and on the phone that he had received the nude images.

8. On January 26, 2007, the 16 year old female's parents bought her a bus ticket and she left Vermont early that same day to travel to Buffalo to meet Finn. Upon arrival in Buffalo, Finn was waiting for her at the bus station and took her to his residence.

9. According to the 16 year old female, Finn's only computer was in the main living area. Between January 26, 2007 and January 30, 2007, she and Finn had sex each day. The 16 year old female described the sex as oral sex, full vaginal intercourse, as well as having anal sex one time.

10. On January 29, 2007, she began feeling sick and by January 30, 2007 at approximately 2:40am, Finn brought her to Brooks Hospital in Dunkirk. Finn initially stayed with her at the hospital, but once Finn realized authorities had been contacted by the hospital, Finn left. Finn told her that he was going to go back to the trailer to get rid of the nude images of her, as he did not want to get into trouble with police.

11. With SA Langrish's assistance, the 16 year old female prepared a written statement with essentially the same information as provided above.

12. On February 2, 2007, FBI Special Agent Michael Shaffer accessed the 16 year old female's online accounts. SA Shaffer located an email from the 16 year old female to an account later identified as Finn's email account. The email had two attachments, which were two close-up images of a the 16 year old female's vaginal area from the front and the other from the back. The 16 year old female later identified the pictures as being of her that she sent to Finn through her email account.

13. On February 3, 2007, Federal Bureau of Investigation (FBI) Special Agent (SA) Brent S. Isaacson and members of the Chautauqua County Sheriff's Office executed a Federal search warrant at 5772

Ellicott Road, Lot 7, in Brocton, New York. The search warrant was authorized by United States Magistrate Judge H. Kenneth Schroeder, JR. Among the items seized during the search were a Gateway computer, serial number 0013266156, a Kodak Easy Share camera, a hard drive, serial number WMAOM2866624, a thumb drive, a CD Rom, and disks.

14. On February 3, 2007, Terry L. Finn, was voluntarily interviewed at his place of employment. When Finn was told that the interview concerned the 16 year old female and indecent images he might have of her, he stated that he had deleted those pictures.

15. Finn admitted knowing the 16 year female was 16, requesting and receiving lewd pictures of the 16 year old female, encouraging her to move to New York from Vermont and having consensual sex with the 16 year old female. Finn provided a written statement to SA Langrish and Investigator Mortin regarding the above information. Finn was shown copies of the nude images and the emails located on the 16 year old female's Yahoo account sent to Finn's Yahoo account. Finn recognized the pictures as

pictures he had requested and received through the internet from the 16 year old female.

16. On or about June 2007 SA Langrish and Investigator Mortin conducted an examination of the derivative evidence taken from the hard drive of the Gateway computer, seized from the living room of Finn's residence during the February 3, 2007 search warrant. The exam showed numerous pictures that SA Langrish recognized to be those of the 16 year old female in both dressed and lewd pornographic images. These images included close up pictures of the 16 year old females vaginal area.

17. Based on the foregoing, I respectfully request this Court grant a Criminal Complaint charging for Terry L. Finn (DOB 06/02/63 and SSN ***-**-0129), formerly residing at 5772 Ellicott RD, Lot number 7, Brocton New York, 14716 with violations of Title 18, United States Code, Section 2251(a).


PETER J. LANGRISH, Special Agent

Sworn to before me this 26th
day of July, 2007.


HON. HUGH B. SCOTT
United States Magistrate Judge

Mr. Address -
 5772 Elliott RD Lot 7
 Branton, NY

DOB: Jun 2, 83 TLF [signature]
 SSN: [redacted] 0129 1062

I Terry L Finn voluntarily give this statement. No threats or promises have been made to me by either SA Longish and INV Martin of the FBI and Chautauque County Sheriff's office.

I first met [redacted] online while using a website called Fake.S?. We hit it off as we had many things in common. We both felt we were soul mates. She ([redacted]) told me she was 16 1/2 + I told her upfront I was 43 1/2 old. This occurred in approximately September 2006.

Between September 06 and January of 2007 at my request [redacted] sent me approximately 20 nude images that consisted of nude photo from various angles including, [redacted] chest and vaginal area. Although I often asked for nude pictures of [redacted] and sometimes begged her I never threatened her in any way and she consentually sent the nude picture I requested. [redacted] used her web camera and in December 06 a new Kodak Easy share camera to take nude pictures and then send them to me voluntarily using her Yahoo account. [redacted] then sent them to my Yahoo account "[redacted]". I placed the nude pictures of [redacted] in a file called "[redacted]" on my computer, which is the only one I have that works and is in my living room. On Tuesday January 2007 I was at the Women and Children's hospital in Buffalo with [redacted] because she was sick
 TLF sec pgs 2 TLF

TLF 2 of 3
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After learning from a child protective service case worker the images were illegal, because I thought 16 y/o + older was legal, I went ^{home} ~~home~~ ^{TLF} deleted the nude images of [REDACTED] by putting them in my recycle bin and then deleting the approximately 20 nude images. I had approximately 75 to 100 other nude images of girls I ^{TLF} thought ^{were TLF} 15 to 17 y/o. Some of them were pictures sent to me by other teenage girls on Fake.? or other sites which I asked other girls I met to send me. They sent the picture consensually. Some I thought were too young + I deleted them. Some were chest and some vaginal. When [REDACTED] came to my house on January 26th 2007 ~~and~~ ^{THROUGH TLF} January 29th 2007 we had consensual intercourse approximately 5 times. This included missionary style, doggy style, anal sex once and oral sex from me to her (tongue to vagina) and her [REDACTED] to me (mouth to penis). I did not use any birth protection and when I ejaculated it was in her.

I have a high school diploma from Frederick central school and I can read and write well. TLF

Terry L. Finn

Terry L. Finn

Terry L. Finn

Peter J. Longrich

SA Peter J. Longrich

David R. Morton

Det. David R. Morton CCSO